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Volume: I

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

**Exhibit 8**

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6 - - - - - x  
LAYLA KIANI,

7 Plaintiff,

8 v.

9 TRUSTEES OF BOSTON UNIVERSITY,

10 Defendants.

11 - - - - - x

12 DEPOSITION OF ANDREW KULL

13 Monday, April 25, 2005, 10:04 a.m.

14 Law Office of Ben Tariri

15 343 Washington Street

16 Newton, Massachusetts 02458

17 -----Reporter: Toni F. Beckwith, RMR-----

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21  
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1 BY MR. TARIRI:

2 Q. Professor Kull, did you read the term  
3 papers, the drafts that she brought in for you  
4 to look at?

5 A. Yes.

6 Q. And had she cited authorities  
7 throughout the drafts?

8 A. There were citations.

9 Q. Were the citations correct?

10 A. I don't know.

11 Q. Can you elaborate on that, please?

12 A. I was reading her drafts in order to  
13 help her pursue a research topic, not to check  
14 the accuracy or the adequacy of her citations.

15 Q. Professor Kull, you already testified  
16 that January 24 was the correct date that you --  
17 I'm going from your e-mail which is Exhibit 1 --  
18 that you discovered plagiarism, and you also  
19 said earlier that it was that day, the day  
20 before the grades were due, that you actually  
21 read her paper; is that correct?

22 A. January 24 must have been the day that  
23 I read what she called her final draft for the  
24 first time.

1 Q. And on that day, did you have an  
2 opportunity to check the citations, to check the  
3 authorities?

4 A. Yes.

5 Q. And how did you do that?

6 A. When I read Ms. Kiani's final draft on  
7 January 24, I noticed for the first time that  
8 some of the statements in her paper sounded  
9 familiar, and I began to look to see where they  
10 had come from, and in the space of the next half  
11 hour found three or four passages of the paper  
12 that were plagiarized from various sources.

13 Q. And these excerpts were not in the  
14 drafts that she submitted before?

15 A. I believe some of them had been.

16 Q. Did they not sound familiar at the  
17 time of the draft?

18 A. No.

19 Q. Can you just give us an example -- I  
20 don't mean verbatim example -- an example of how  
21 long the citation, how long she used someone  
22 else's work without citation in terms of how  
23 many lines, just an example?

24 A. I could show you an example if I had

1 the paper. But in general terms, the  
2 plagiarized passages were extensive. It was not  
3 a word here and a word there.

4 Q. Would it be fair to say that they were  
5 obvious?

6 A. Plagiarism is very obvious once you  
7 know what's going on.

8 Q. Was it obvious that this was a saying  
9 from someone else's work pretty much put in  
10 there verbatim and it's long enough to be  
11 recognized by an authority like yourself?

12 A. It was not obvious to me the first few  
13 times I read it.

14 Q. So it became obvious to you on that  
15 date when you actually read the paper?

16 A. When I read the final paper on January  
17 24, something about it raised a question in my  
18 mind. The question is what leads one to then go  
19 and look for the sources. At that point, it's  
20 obvious to anybody.

21 Q. When that question, as you put it, was  
22 raised in your mind, what did you do? Did you  
23 contact Ms. Kiani?

24 A. When the question was raised in my

1 mind, I looked around my office for some easily  
2 available sources to check whether, in fact,  
3 there were plagiarized passages in this paper,  
4 and I found that there were.

5 Q. Professor Kull, you refer to it as  
6 plagiarized passages. Did you already know that  
7 she had plagiarized?

8 A. Yes.

9 Q. So you believe this was plagiarism?

10 A. It was obvious.

11 MR. TARIRI: Please mark this as  
12 Exhibit 2.

13 (Exhibit 2 marked  
14 for identification)

15 Q. What I have handed you is a page from  
16 Boston University's disciplinary regulations for  
17 all BU students. It's just one page.

18 MR. TARIRI: It really should be -- I  
19 was hoping if you could place that sticker...

20 MR. ELSWIT: Why don't we stipulate  
21 that Exhibit 2 to Professor Kull's deposition is  
22 a page of the disciplinary regulations that was  
23 previously identified as Exhibit B to the  
24 complaint in this case. Are you okay with that?

1       there's no purpose in having him summarize it.  
2       The text is what the text is. Let's move this  
3       along.

4               Q. Were you aware that sometime in May of  
5       2003 Ms. Kiani was notified by Dean Cass that  
6       she would not be allowed to graduate?

7               A. I became aware of that subsequently.

8               Q. Subsequent to what?

9               A. Subsequent to the event.

10              Q. Professor Kull, when you reported the  
11       plagiarism -- you said you reported the  
12       plagiarism -- what did the dean's office do, do  
13       you recall?

14              A. I reported the plagiarism on the  
15       Friday, January 24th, to Professor Marks as  
16       associate dean. To the best of my recollection,  
17       there was a meeting the following Monday  
18       afternoon, the 27th, in Dean Cass's office which  
19       the dean, Professor Marks and I discussed this  
20       matter.

21              The upshot of that meeting, to the  
22       best of my recollection, was that the dean said  
23       to me, We will make the decision about  
24       disciplinary proceedings in the dean's office.

1 You are not concerned in that. It's up to you  
2 to decide what to do as the teacher in your  
3 course regarding what grade is reported for  
4 Ms. Kiani.

5 Q. Do you recall if the case was pursued,  
6 if the issue was pursued by the office of the  
7 dean?

8 A. I didn't hear anything about it until  
9 the day in the summer of 2003 when  
10 Professor Ryckman came to discuss the matter  
11 with me.

12 Q. This is despite the fact that you  
13 recorded what you perceived to be plagiarism?

14 A. Yes.

15 Q. Professor Kull, you testified earlier  
16 that Ms. Kiani was in your classes for one  
17 semester, right?

18 A. Yes.

19 Q. And that there were 13 meetings of  
20 which 11 of them she was present and two of them  
21 she was not, to the best of your recollection?

22 A. Yes.

23 Q. You also testified this was a small  
24 class?

1 marginal relevance of the discussion.

2 Speaking very casually saying that a  
3 student seemed "out of it" might refer to one or  
4 the other or some combination of those factors.

5 Q. Did you know during your professorship  
6 of her that she was under medication?

7 A. No.

8 Q. Had you known that, would you have  
9 treated her differently?

10 A. No.

11 Q. So had you known that she was acting,  
12 in fact, drowsy, you would still have treated  
13 her like you would any other person?

14 MR. ELSWIT: Objection. There is no  
15 evidence on the record that she was acting  
16 drowsy.

17 MR. TARIRI: Objection noted.

18 A. It seemed to me observing Ms. Kiani,  
19 but without any technical knowledge, that she  
20 clearly suffered from serious disabilities of  
21 one kind and another. If she had not had this  
22 appearance, I might have responded to her  
23 occasional inattentiveness or marginal  
24 participation more severely, would have asked



1 her what she was doing, would have required more  
2 of her.

3 As it was, I was probably more lenient  
4 with her than I would have been. Whether if  
5 someone had told me that she was taking a  
6 particular medication, it's difficult for me to  
7 imagine what I would have done differently.

8 Q. Professor Kull, you testified that you  
9 taught at Emory College, is it Emory University?

10 A. Yes.

11 Q. For about 15 years and three years at  
12 BU also; is that correct?

13 A. Yes.

14 Q. During your professorship, did you  
15 have other handicapped students?

16 A. Yes.

17 Q. Can you describe what sort of handicap  
18 they had? Were there many?

19 MR. ELSWIT: Objection.

20 A. I don't know how many.

21 MR. TARIRI: Objection noted.

22 A. And I don't have specific  
23 recollections beyond one, which is that one day  
24 in the middle of class I had a student who had

1           Q. So it is your testimony, then, that  
2           you did not speak to anyone else other than  
3           Professor Ryckman and Professor Mariner and  
4           Professor Pettit, Professor Marks and Attorney  
5           Rosenfeld; am I correct as far as --

6           A. That's my recollection.

7           Q. When did you give Ms. Kiani finally,  
8           when did you actually grade her term paper? Do  
9           you recall the day?

10          A. The Friday, January 24, having  
11          discovered the plagiarism, having inquired what  
12          is the procedure, having informed the associate  
13          dean, Professor Marks, who told me we will have  
14          to talk about this; don't do anything meanwhile.  
15          I went down to the Registrar's Office, I handed  
16          in the other grades for the course, and I said,  
17          No grade is being recorded for this one  
18          particular student. It is simply going to be  
19          deferred. They said, Oh.

20                 On Monday morning when she was waiting  
21          for me as I got there, I informed Ms. Kiani I  
22          have not decided what to do. After the meeting  
23          that I already described to you, which I believe  
24          was that Monday afternoon, I spent perhaps 48

1 hours trying to decide what to do. I eventually  
2 came to the conclusion that I would report a  
3 grade of F, whatever the law school did or did  
4 not do as a disciplinary matter.

5 And my recollection is that on the day  
6 when I had made that decision and was intending  
7 to get in touch with Ms. Kiani to come in and  
8 see me, she was once again waiting for me, I  
9 believe, so I didn't have to say, Please come to  
10 see me; she was there.

11 So I said, I've decided that I'm going  
12 to report an F in my course. The disciplinary  
13 procedure, whatever it is, and if there's going  
14 to be one, is in the hands of the Dean's Office,  
15 and you should go and talk to the associate dean  
16 about that.

17 I said, I would be happy to help you  
18 make up the three credits if you wanted to do  
19 work for me. I would understand you might  
20 prefer to do it with somebody else. She said,  
21 I'll think about it, and she left.

22 And I wrote a memorandum to the  
23 registrar saying, Please report a failing grade  
24 for this student in this course.